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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,045

04/08/2004

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81095799 / FMC 1664 PUS

3044

28395 7590 04/11/2007
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EXAMINER

KOEHLER, CHRISTOPHER M

ART UNIT

PAPER NUMBER

3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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2 MONTHS

04/11/2007

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/709,045
Filing Date: April 08, 2004
Appellant(s): GHUMAN ET AL.

MAILED

APR 11 2007

Group 3700

Seth E. Rodack
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 21 December 2006 appealing from the Office action mailed 26 July 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

10/904,064

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,127,569

SEKINE et al.

7-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekine et. al. (U.S. Patent No. 5,127,569).

Claim 1: Sekine teaches a method of designing a manufacturing process line (**Fig. 1**), for a vehicle closure (**Col. 1 lines 21-23**) the method comprising: identifying a manufacturing process comprising a set of discrete steps (**Col. 2 lines 10-32**) to be performed on at least one workpiece; identifying a plurality of standardized work cells (**e.g. sub-assembly lines/cells 1-6**), each work cell having at least one standardized workpiece presenter **25** that supports the workpiece in a predefined spatial orientation, and at least one standardized processing tool **46**; wherein for each work cell at least a portion of the at least one standardized workpiece presenter remains stationary relative to the at least one standardized processing tool when the workpiece is moved within and between each work cell (**note that the looped guideway constitutes part of the standardized workpiece presenter and that it remains stationary relative to the processing tools**) ; selecting a subset of the set of discrete steps to be performed at a work cell and selecting the standardized work cell for performing the subset of steps (**Col. 2 lines 25-32**); and repeating the selecting step for additional subsets of steps to

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be performed at one of the plurality of work cells until all of the discrete steps are assigned to one of the plurality of work cells (**Col. 7 lines 29-35**).

With respect to the acts of designing the manufacturing process line and identifying processes and work cells, these acts are inherent to the overall process of the alleged invention as well as the cited reference. In order to put an assembly into tangible form, its elements must have at least been designed, identified and assembled in a certain manner. Furthermore, examiner interprets a vehicle "body panel" to anticipate a vehicle closure.

Claim 2: Sekine also teaches the method of claim 1 wherein a plurality of manufacturing process lines are identified as templates (**Figs. 1-3**).

Claim 3: Sekine also teaches the method of claim 2 wherein the manufacturing process line is completely designed by specifying a plurality of templates in a defined sequence (**Figs. 1-3**).

Claim 4: Sekine also teaches the method of claim 1 wherein the workpiece presenter and processing tool are interrelated with an integrated standard control system (**e.g. Col. 6 lines 30-37**).

(10) Response to Argument

Appellant calls into question the anticipation under Sekine of two elements of claim 1. The first element requires the identification of a manufacturing process that comprises a set of discrete steps to be performed on at least one workpiece. The second element requires the identification of a plurality of standardized work cells, each

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work cell having at least one standardized workpiece presenter that supports a workpiece in a predefined spatial orientation, and at least one standardized processing tool, wherein for each work cell at least a portion of the at least one standardized workpiece presenter remains stationary relative to the at least one standardized processing tool when the workpiece is moved within and between each work cell.

With regards to the first element of the claim, Sekine teaches that the method, for manufacturing, comprises a plurality of discrete steps (col. 2, lines 10-32) to be performed on at least one workpiece.

With regards to the second element of the claim, Sekine teaches a plurality of lines/cells 1-6 (col. 3, line 67-col. 4, line 5), each line/cell having at least one standardized workpiece presenter (25, figure 2) that supports the workpiece in a predefined spatial orientation, and at least one standardized processing tool (46, figure 2), wherein for each work cell at least a portion of the at least one standardized workpiece presenter remains stationary relative to the at least one standardized processing tool when the workpiece is moved within and between each work cell (note that the looped guideway constitutes part of the standardized workpiece presenter and that it remains stationary relative to the processing tools).

The manufacturing process of Sekine does however fail to explicitly state the acts of designing the manufacturing line and identifying processes and works cells, however, these acts are inherent to the overall process of the alleged invention as well as the cited reference.

Appellant alleges that in making the assertion of inherency above, the examiner has recharacterized the first and second elements of Appellants' claim 1 by summarizing them, thus unreasonably broadening both elements. Contrarily, the examiner has merely indicated the limitations of the first and second elements of Appellants' claim 1 that were not explicitly stated in Sekine, but were believed to be inherent.

Appellant makes the assertion that the acts of designing the manufacturing line and identifying processes and work cells is not inherent with respect to the manufacturing process of Sekine. Specifically, that the missing descriptive matter must necessarily be present in the thing described in the reference. Appellant argues that the teachings of Sekine do not necessarily include the entire context of the first two elements of Appellants' claim 1.

The examiner did not allege that the entire context of the first two elements of Appellants' claim 1 were merely inherent, indeed as seen above Sekine does explicitly teach many aspects of the first two elements of Appellants' claim 1, however, the examiner does allege that the acts of designing the manufacturing line and identifying processes and work cells are inherent to the overall process of the alleged invention as well as the cited reference. A method of designing is inherent to the provision of not only a manufacturing process line but any product or apparatus unless it involves steps more substantial than mere identification and provision of components. Methods of designing only fall outside the realm of inherency when they incorporate steps such as calculations or comparisons that lead to a more ideal final product than would be

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produced by simple identification of parts and selection of steps. Appellant cannot hardly be heard to argue that a manufacturing process line can be manifested without the preliminary steps of identifying a process of steps and subsequently designing a process line of suitable work cells having suitable workpiece presenters and suitable processing tools. Such a method is necessary to the provision of every manufacturing process line created. It would be unreasonable to contend that the state of the art of manufacturing lines involves anything less (e.g. indiscriminately picking and placing tools and work cells without regard to a design or plan).

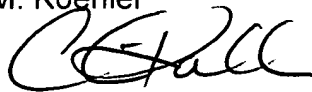
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christopher M. Koehler



Conferees:

David P. Bryant



DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER

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